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DEPARTMENT OF PUBLIC WORKS

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CORRESPONDENCE
CONTROL

March 9, 2005

Karen Lutz
U.S. Department of Energy
Rocky Flats Environmental Technology Site
10808 Highway 93, Unit A, MV72
Golden, CO 80403-8200

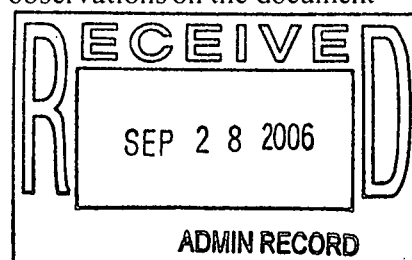
Re: *Draft Site- Wide Integrated Public Involvement Plan (SWIPIP)*, dated January 24, 2005

Dear Ms. Lutz:

The City and County of Broomfield appreciates the opportunity to review and provide comments on the document referenced above. We would especially like to thank the Department of Energy (DOE) for the early receipt of this document that allowed for additional dialogue prior to drafting this comment letter. Broomfield's two general comments are as follows:

- ◆ The City and County of Broomfield is dedicated to a clean and safe closure of Rocky Flats Environmental Technology Site (RFETS or Site) and we support the SWIPIP and DOE's extensive public involvement program. The foundation of the public participation effort is iterative ongoing consultation with Broomfield early in the process. We cannot emphasize strongly enough how important it is for us to receive documents concurrently with the regulators as they are drafted. We applaud your efforts to include this language in the SWIPIP, and we look forward to receiving timely draft documents prior to the official public comment periods. We expect that the SWIPIP processes will be adhered to through regulatory closure.
- ◆ In addition to what has been identified in the SWIPIP, Broomfield as a downstream community, currently has additional fax, email and telephone communication with the site regarding notifications prior to pond discharges, incident reports, elevated levels of contaminants at points of evaluation and points of compliance on Walnut Creek, etc. We would like to ensure that the site will continue that communication. Please formalize those current communication protocols in the SWIPIP as appropriate (please see section 4.5 of the attachment).

Broomfield is providing additional specific comments and observations on the document in the attachment.



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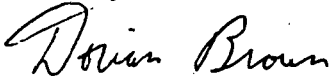
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Broomfield understands this document will be the implementing document for public participation during transition and through regulatory closure of the site, and Legacy Management will draft its own public participation plan.

Thank you for the opportunity to comment on this document. The City and County of Broomfield expects this will be the final SWIPIP for Environmental Management. We will continue to be involved and have iterative ongoing consultation with the RFCA Parties in any final decisions pertaining to closure activities. We appreciate all your efforts and responsiveness to meet our needs by providing timely information, having discussions with us, and seeking our input in the decision-making processes for cleanup and closure. If you have any questions, please feel free to call Shirley Garcia, of my staff, at 303-438-6329

Sincerely,



Dorian Brown
Director of Public Works

pc: Gary Brosz, City and County of Broomfield City Council
Lori Cox, City and County of Broomfield Council
Mike Bartleson, City and County of Broomfield
Kathy Schnoor, City and County of Broomfield
Shirley Garcia, City and County of Broomfield
Sam Dixon, City of Westminster Council
JoAnn Price, City of Westminster Council
Al Nelson, City of Westminster
Steve Gunderson, CDPHE
Mark Aguilar, EPA
David Abelson, RFGLOG
Ray Plienness, Legacy Management

Broomfield requests the document be revised to include the information needed to ensure an effective public involvement plan. Words in italics are direct quotes from the proposed SWIPIP. Broomfield's specific comments are as follows:

1. Annual Review of the Effectiveness of the Public Involvement Program

1.1 We believe the Rocky Flats Cleanup Agreement (RFCA) leaves flexibility for an informal review, and we appreciate the opportunity to provide comments during a formal comment period. We believe it is important for the Department of Energy (DOE), the regulators, local governments, and stakeholders to evaluate the public participation process annually to ensure it is effective and credible.

1.2 We would like to thank DOE for incorporating our comments from last year's letter dated June 30, 2004.

1.3 The October 2002 SWIPIP refers to *working drafts* and that these *informational copies* will be made available for public review concurrently with delivery to the regulatory agencies. The following steps will be followed:

➤ *Transmitted to Regulatory Agencies and released concurrently for Public Review*

➤ *Marked "Preliminary Review Draft for Interagency Discussion/Not for Public Comment"*

➤ *Briefings at CAB, RFCLoG, ER/D&D Meetings (as appropriate)*

➤ *Designated Site contact person identified*

Revise the document to include these steps. Site Managers and the regulators have committed to us that we would receive draft documents concurrently with the regulators. Recently we have had difficulty receiving documents in their entirety and in a timely manner. Under these undesirable circumstances, it was very difficult for us to review several crucial documents in such a short timeframe. We ask DOE and K-H to follow the guidelines of the SWIPIP.

1.4 We would like to thank the Site and the regulators for working and meeting with us routinely to address our needs and concerns. We appreciate the ongoing consultation efforts with our local elected officials and staff. We applaud your efforts to go beyond regulatory guidelines in the SWIPIP process and look forward to receiving timely draft documents prior to the official public comment periods. We expect that the SWIPIP processes will be adhered to through regulatory closure.

2. Cleanup Activities

2.1 We know residual contamination will remain after closure. The following statement continues to be included in closure documents: *While final cleanup has not yet been completed, the Rocky Flat Project Office (RFPO) expects that, after closure, some contamination an unintended consequence of weapons production, will remain at the Site. Some contaminated areas may need institutional controls for many years, and appropriate monitoring will be*

required to ensure that the remedies put in place as Rocky Flats is closed remain protective. Revise the sentence to reflect that RFPO is planning for and knows that after closure known contamination areas will remain. Also revise the preceding sentence to state some contaminated areas will need institutional controls for many years.

2.2 Revise the document to include the major cleanup activities accomplished in the past year.

2.3 Clarify the statement: *shallow groundwater contamination will remain in and around the former Industrial Area.* We understand at closure there will be groundwater contamination, but the statement suggests that groundwater, in some areas, may not be treated prior to closure. We are concerned groundwater has a great potential to impact surface water quality, and we are uncomfortable with a suggestion that groundwater may not be treated.

2.4 Add the language from RFCA to the plan that states "both surface water on-site and off-site will be suitable for all uses," including drinking water.

2.5 Section 3175 of the Rocky Flats National Wildlife Refuge Act of 2001 describes the consultative process between DOE and the Department of Interior to determine the nature and extent of lands that will be retained by DOE. Revise the document to specifically state the verbal commitment made by the RFCA parties that any lands with plutonium contamination levels containing 7 pCi/g or above on the surface will be retained by DOE. Revise the plan to include the aspects of the consultative process.

3. Community Involvement and Concerns

3.1 Revise the language to change the "City of Broomfield" to the "City & County of Broomfield".

3.2 The plan refers to *"the community"* and defines it as *interested Rocky Flats stakeholders*. Broomfield is more than an interested stakeholder, we are asset holders. Revise the language to more accurately reflect the types of public members involved with Rocky Flats such as local governments, asset holders, and stakeholders.

3.3 Add the following topics to the section discussing continued ongoing discussions: Air quality, Ecological Impacts, Environmental Remediation, and D&D. Broomfield believes the bullets associated with Refuge development are outside the scope of this document and should be deleted.

4. Public Involvement Resources and Activities

4.1 The Colorado Department of Public Health and the Environment (CDPHE) library no longer serves as an information repository for Rocky Flats records. Revise the document to reflect the two remaining locations to access records.

4.2 Clarify the following sentence: *The AR accompanies each update to the AR.* Do you mean the updated index of documents will accompany the updated Administrative Record (AR)?

4.3 All historical data is vital for future reference. We understand the rationale to only maintain verified sampling data in the AR, but all additional historical data should be archived for historical information and evaluation. We ask that

you work with us to determine an appropriate location for the non-validated data.

- 4.4 Add "Contact Records" to the 4th bullet on page 15.
- 4.5 The plan identifies several methods to disseminate a variety of information to the general public, local governments, and asset holders. We currently have additional communication with the Site and expect to maintain our open communication with the Site through regulatory closure. Revise the plan to include the following:
 - Pre-discharge notification fax of analytical data for surface water to appropriate government prior to discharge of retention ponds;
 - Notification via telephone in the event of elevated levels of contaminants at surface water at POEs and POCs;
 - Notification via telephone in the event of elevated levels of contamination in groundwater with a potential to impact surface water;
 - Notification via telephone in the event an action level is triggered for air quality;
 - Notification via telephone of any implementation of a contingency plan or occurrence such as fire;
 - Notification via telephone prior to use of herbicides, culling of deer, demolition of contaminated facility.
- 4.6 We appreciate the language in the draft that provides for us to receive information copies concurrently with delivery to the regulatory agencies. We ask that DOE ensure this process is adhered to with the remaining decision documents.
- 4.7 We thank DOE for their enhanced public communication process and we want to ensure as we get closer to closure that DOE does not deviate from the process outlined in this plan. We will continue to meet with DOE and K-H for clarification or resolution to our comments.
- 4.8 It is very important for Broomfield to ensure a response is provided for each comment we make related to a decision document. We ask that disposition of comments not be grouped as they were in the revised RFCA.

5. Public Involvement Opportunities

- 5.1 The language in section 7.0 conflicts with the language in section 5.0. Site Managers have committed to provide informational documents to us concurrently with regulatory agencies as identified in section 5.0. The public involvement plans have always identified a process that reflects an open, ongoing, two-way communication mechanism early in the process.
- 5.2 Revise the language in the plan to state the documents identified in section 7.0 will be provided to stakeholders, local governments, and asset holders as sections are drafted for their review. If the RFI-RI/CMS-FS is being drafted in sections, we expect to receive the sections concurrently as the regulators. Delete the following sentence: *As sections are completed and reviewed by the agencies they will be made available for public information.*

- 5.3 Add language to all the other identified documents to include "as sections of the document are drafted, they will be released to the regulators, stakeholders, local governments, and asset holders for their review early in the process."
6. Appendix B- Hazardous Substances Identification
- 6.1 Add arsenic to the list of metals.
 - 6.2 Add vinyl chloride to the list of volatile organics.
 - 6.3 It may be useful to identify the CAS number associated with each chemical, if applicable.
 - 6.4 There is a typographical error for methylene chloride.
7. Appendix C – Rocky Flats Meeting Primer
- 7.1 The primer is very useful and represents the efforts DOE and K-H have made to inform us and the public of their activities.
 - 7.2 Revise the following items in the primer:
 - Add the City & County of Broomfield and the Woman Creek Reservoir Authority to the list of sponsors for the Data Exchange Meetings
 - Revise the purpose of the Water Working Group to include the language contained in RFCA Appendix 5.
 - Purpose of the IMP is identified in RFCA paragraphs 266 and 267. Revise the language to reflect the purpose.
 - The SUDS meeting is not open to the public.
8. Appendix D – Information Contacts
- 8.1 We understand the information is fluid, and it is difficult to maintain an accurate list. Should Elizabeth, Tony, and Edger be added to the list for CDPHE? Should Sam Garcia be added to the list for EPA?
 - 8.2 Update the contact for the Colorado Attorney General for the State of Colorado.